

FILED

2016 SEP 12 PM 3:37

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

Filing Sui Juris
anyanaKai@gmail.com
3344 Secor Rd, Toledo OH 43606
TELEPHONE: 419.720.2972 Ext 1

I a woman as claimant

AGENT CHARMAINE ROSE BASSETT

3:16 CV 2268 :

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JUDGE ZOUHARY
MAG. JUDGE JAMES R. KNEPP II

Agent for CHARMAINE ROSE BASSETT claimant vs. TOLEDO, OHIO POLICE DEPT
Respondents.

Claim

CLAIM FOR PRELIMINARY INJUNCTIVE RELIEF

TITLE: CLAIMANT'S COMPLAINT FOR TEMPORARY RESTRAINING ORDER, AND
PRELIMINARY INJUNCTION

TEXT: FEDERAL QUESTION UNDER THE FIRST AMENDMENT OF THE US
CONSTITUTION – FREEDOM OF RELIGION 28 USC 1331

1. charmaine rose bassett agent for CHARMAINE ROSE BASSETT at all times relevant herein
is an Ohioan.

2. Claimant Church (Oklevueha Native American Church) of Anyana Kai and (Oklevueha Native
American Church) of Aha Wahupta rent the real property located at 3344 Secor Rd, Toledo
Ohio. (Herein after referred to as "the subject property.")

3. Claimant alleges that Respondents, TOLEDO, OHIO POLICE DEPT and The STATE MEDICAL BOARD are state entities and agencies of the State of Ohio.
4. Jurisdiction for twenty years is proper in this court because of 28 USC 1331, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."
5. The Toledo Police Department and other state agencies have been fully aware of the Oklevueha Native American Church (ONAC) of Anyana Kai and its standing in the Toledo community and the absolute level of sincerity with which the church operates under. This is evident because of all of the agencies that have already been through our door trying to stop us from providing a myriad of spiritual and health benefits to those in crisis at crucial moments in time. This includes but is not limited to The State Medical Board and the State Taxation board. Furthermore, the detective stated during the raid that he has known about us for a long time and has friends and family members that are frequent members of our church. The first Native American Church was incorporated in 1918. James Mooney, Smithsonian Institute Ethnologist, James Mooney co-Founder of ONAC, Great Grand-Father, drafted the By-Laws of the first Native American Church to be incorporated. Native American Churches maintain an excess membership of 450,000 members. ONAC was first officially formulated April 11, 1997, presently with an estimated membership of more than 20,000 people and with more than 200 branches worshiping throughout and representing the indigenous spirituality and cultures of North and South America, the United States, Mexico, Canada and Peru. President Leslie Fool Bull blessed James Mooney and the ONAC church to be an extension of the Rosebud Reservation Native American Church of South Dakota on March 20, 1998 (See Exhibit A.) Richard Swallow, President of the Rosebud Reservation Native American Church of South Dakota, offered his confirmation and blessing on August 19, 2007 (See Exhibit B) Shortly following the confirmation James Mooney and Richard Swallow formally enjoined ONAC with the Lakota Sioux Native American Church on December the 17th 2007. (See Exhibit C.) (ONAC) of Anyana Kai and (ONAC) Aha Wahupta are blessed branches (See Exhibit D). On June 22nd of 2004 the Utah Supreme Court unanimously held that Oklevueha Native American Church is federally recognized along with James and Linda Mooney being federally recognized Native American Medicine People and have the clear stated ability to share with non-Indian persons who are members of the Oklevueha Native American Church's earth based sacrament(s). (See Exhibit E.)
6. "We require the rule that the exemption is available to all members of the Native American Church" "We hold that the federal Religious Peyote Exemption found at 21 C.F.R. 1307.31 has been incorporated into the Utah Controlled Substances Act"
7. "On its face, the federal regulation does not restrict the exemption to members of federally recognized tribes. We therefore rule that the exemption is available to all members of the Native American Church."

8. In the search warrant it clearly states that the Toledo Police Department knew the ONAC of Anyana Kai existed as a church and that I a woman charmaine rose bassett am known as one of the spiritual leaders, medicine woman and NMD. Yet, the Toledo Police Department came on to the Church Property anyway and in their unauthorized search removed from the property denying church members access to native ceremonial sacrament being given to its church.

9. It is important to realize that the "search warrant" (Exhibit F) was an illegal and unlawful trespassing and does not meet the required "compelling interest standard." The search warrant also states that I, charmaine rose bassett, had previously written a letter to the state court on behalf of one of (ONAC) of Anyana Kai's church members, Mr. David Fields. In this letter to the court I prescribed earth based sacramental cannabis to Mr. Fields as his spiritual advisor and as his Medicine Woman, "Doctor," and as an ordained church leader of the ONAC of Anyana Kai and ONAC of Aha Wahupta branches located in Toledo, Ohio, I, charmaine rose bassett, conscientiously and prayerfully exercised my rights for freedom of religion guaranteed by the First Amendment when assisting David Fields with his ability to partake in his right to his use of the earth based sacraments as a member in good standing. My recommendations were made after my evaluation in our federally recognized church, our sacred ground, ONAC of Anyana Kai and Aha Wahupta.

10. The raid started off very aggressive and abusive in character of a full on invasion on a criminal enterprise. Immediately all church members started praying; within minutes into the church raid, most of the detectives, cops, and agents realized that all of our daily activities they were witnessing were not what they had been expecting. One of the cops even stated to some of the attendants and seekers that, "This is the weirdest bust I have ever been on. Typically, there are pit bulls, tons of money, and other nefarious behavior." Mind you, there was only a little over \$100.00 in the register at the time. The main Detective came in with full intention of shutting us down and told that to one of the Naturopath's from Bassett's Health Foods, who was witnessing the event. The detective also said "As long as you no longer provide cannabis, peyote, psilocybin mushrooms, etc., you can stay open". He also said he would "bring the dogs through in a couple of weeks and if I find as much as one cannabis seed I will shut you down". This is stated intent to continue to harass and intimidate church members and students of natural earth based medicine by the agency that is charged with the protection of all "Rights" secured by the Bill of Rights contained in the Constitution.

11. People have been asking me that if I truly believe that I and the church are doing the right thing by providing these types of sacraments to our members then why didn't I go straight back to providing them to our members. I told everyone that "they have the dogs, guns, jails and manpower. How do I stand up to that?" Also I explained that it is more important that ONAC of Anyana Kai stays open to keep serving our members as we have so much more to offer than just the sacraments that they took. That particular day as well as most days we had some very sick members needing help. These are people for whom modern medicine did everything that they could and we are their last and only hope from a healing and a financial perspective. As a practitioner for almost 50 years, it is terrible to see when important earth based medicines are taken away from those in need by agents protecting corporate profit over actual healing of people including family members of the very agents who participated in this invasion, theft and

denial of separation of church and state doctrine. There are members that are being denied their earth based sacraments, and some individuals have come to depend on this medicine for healing. We have documented some of the repercussions of this tragedy. For some ONAC child epileptics who are now out of remission, stealing their ability to stay healthy takes its toll on the entire family, community and all those involved. With over 5000 members the list is endless on the backslide this has caused.

12. We had a pretty full house this particular day. There was a 79-year-old man and wife in the hot/cold area, children on neurofeedback, seekers and attendants doing bodywork, cellercising, EWOT, etc. These seekers (members) come from a wide variety of ethnic backgrounds, religious indoctrinations, races, ages and beliefs. These seekers (members) come to Anyana Kai for a multitude of reasons and many stay and participate for the daily opportunity to learn how to take personal responsibility to totally heal themselves on all levels. This is done through applying the mother church's principles and practices of Gratitude, Humility, Faith, Respect, Honor, Charity, and Forgiveness. This is coupled with ONAC of Anyana Kai's added philosophy of "Behaving as if God in All Life Matters," and the multitude of ceremonies and earth based sacraments that eliminate personal interference patterns and give each member a chance to get in better touch with their spirit/soul.

13. In indigenous cultures worldwide and also in the original naturopathic medicinal teachings and practices, the body, mind and spirit are treated as one. In this philosophy to separate these aspects leaves the body in a state of dis-ease. Medicine has two meanings, which are the practice and then the tools of practice. Medicine (the tools of practice, sacraments/herbs/supplements/foods/oxygen/neurofeedback etc) in our sense of the word also has these same above mentioned connotations of working with the entire individual. Most often, we simultaneously use all of the tools we have available from both the practice and the tools of practice. In most indigenous cultures the spiritual leader and medicine men/women are one and the same, seemingly indistinguishable. This is how we function in our church. I know that this concept seems foreign to most people in our modern culture because most all of these practices are currently separated and specialized (Vitamin Consultants, Pharmacist, Massage Therapist, Dentist, Cardiologist, Nurse, Psychologist, Immunologist, Priest, Counselor, Bishop, Teacher, Physical Therapist, Nutritionist, etc.). This idea of separate and specialized practices is foreign to those of us at ONAC of Anyana Kai and most folks practicing naturopathic and earth based indigenous medicine. I honestly believe this is where a lot of confusion comes into play, not only with the situation with ONAC members and me, but also with the Native American Indian Indigenous Culture in general.

14. Since we are a teaching church, our ONAC members learn through the daily use and application of all our philosophies through everyday practical applications. At ONAC of Anyana Kai, a big focus is on teaching seekers to become personally responsible for their own personal healing and sharing knowledge by passing it on. When all members pass on their level of knowledge to the new seekers (members) coming into the church, all members can be helped with where and whatever level of understanding they have. Ultimately this ties Anyana Kai's church community together, which unifies the purpose of those individuals seeking total health. This takes the stress off of the more advanced practitioners, and gives them more time to work

with the more advanced situations. This creates a strong community, giving everyone a chance to be helpful and productive no matter what level they are at. We even have many handicapped people (even wheelchair bound) that assist in these day to day functions. Other ways we advance this concept is to have a multitude of classes taught monthly for the lay person and to offer PhD/NMD programs at our university (ONAC of Anyana Kai University), <http://anyanakaiuniversity.com/>.

15. The university is teaching basic lifestyle management, sustainable living, how to clean up all aspects of life for all life on the planet, organic home gardening, how to remediate your house/work environment for healthy air and water. Our neurofeedback program does documented research on the powerful effects that taking sacraments have on health and wellbeing of all that participate with their use. We have 3 PhD programs: Neurofeedback, Lymphology and Iridology, which can be seen at <http://anyanakaiuniversity.com/>. When all 3 PhD programs are completed and tests are passed (pass or fail and you can retake as many times as you need to get it right, with certain time restraints), a thesis is done in all 3 and then you can test out for your Medicine Man/Woman/NMD degree. All the students do immediate hands on training and mentoring, as to put their studies to work right away and to develop real life skills. All students achieve this education by exchanging energy for energy, work for work as none can afford to pay for any of it. This also frees them from ongoing debt accumulation that takes years to pay. This is the cumulative work of 4 generations of my families work and dream put to fruition. The students are all compassionate, intelligent, diligent and worthy of the success this system breeds. I have so many degrees and certifications starting from the age of 6. My bio can be seen at <http://anyanakai.com/Healers2.html>.

16. This work is a labor of love. I own no vehicle, own no house, make no income, haven't taken a vacation in 7 years, and hardly ever take a day off. Most people would think that this is a complaint yet, if you saw me in my day to day life, you would know it's not. All funds that come into Anyana Kai go back into the church for further development. I only have a bank account for ONAC of Anyana Kai so that when I buy items needed for the church function(s), I pay the state tax on them (even though this is not required, as it says right on the IRS website that churches are tax exempt).

17. To implement the principle, "To Behave as if God in All Life Matters," we remove interference patterns from the body through ceremony(s), service(s) and earth based sacraments including but not limited to the following: sweat lodge, detox, lymph drainage, mind balancing, bodywork, lifestyle modification, diet/exercise, meditation, yoga, relaxation, Pipe/tobacco, smudge/smoke, art, music, sound, light, 4 day intensive on site ceremonies with James and Linda Mooney, and natural remedies including yet not limited to Native American earth based sacraments. These practices when used consistently allow everyone to get more in touch with their individual spiritual nature, moving them from a dis-eased mind set into a holistic integration of body, mind and spirit. ONAC of Anyana Kai is the "REAL DEAL." One visit there will show anyone with eyes open or closed, the truth is thus. The community strength and stance is apparent with all members worshipping at our church.

18. Because of the depressed economy in our area, very few of our members have ability to afford natural medicine, which requires ongoing care for long term illnesses and frequent use of the facility for prevention (which requires at least two times per week). This is the reason for our system of equal exchange in energy. You help me then I help you and we all help each other. We turn no one away from our church as long as they follow these basic principles. Money is totally out of the picture in our church. Most of us live meager lifestyles and have taken vows of poverty. Most of us realize when you have your health you have everything. This is realized as most people end up at Anyana Kai due to illness with themselves or with a close friend or family member. This is why we promote prevention and maintenance for the best result. The biggest joy that we get is from seeing members return to themselves on many if not all levels. This is reward enough. When you feel good, you feel good. When you are happy and feel good after being sick you absolutely realize that money isn't so important.

19. We have peacefully and prayerfully had our ONACAK doors open to members only in this community for many years. To have had an outside force come through our door and take away some of our most important healing medicine, is very telling. In my book, this shocking reality feels like blasphemy and equivalent to taking away a Catholic's ability to drink wine during prohibition, or saying that the children can't partake in wine during the Sunday mass because they are under age, having to be an Italian to be Catholic, having to be registered with a card to attend mass, and having a Muslim Woman take off their garb to get patted down by TSA. Indigenous cultures, particularly Native American Indians' ongoing abuses still happening in this day and age with regard to this present situation with Anyana Kai as well as the many other Native American Indian individuals, churches their members, and the reservation people absolutely takes away their God given right to practice their religion under the 1st amendment.

20. By law, sacraments (Peyote, Cannabis, Mushrooms, Ayahuasca, San Pedro and/or any plant, cactus, mushroom produced by our Mother Earth and used by Native American Church Temple (the Earth) are protected by the First Amendment – Freedom of Religion. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." According to law The State of Ohio has no authority or legal power to decide what is or is not a church.

21. For 200 years, there has been a prejudicial Bureau of Indian Affairs (BIA). This department of the corporate services administration known as the federal government has historically and currently is aimed at what feels like the complete eradication of the Ancestral Earth-Based Religions of the Indigenous Native American Peoples, their Cultures, Ceremonies, Sacraments, Value Systems and Choices of Stress Free Lifestyles that love, worship and honor Mother Earth. The actions of the BIA and its long history of actions against defenseless Indigenous Natives of North and South America have been disguised under the federal agenda of unlawful brutality and illegally forcing the assimilation of American Indians into "white mans" civilization and urban environments, whether or not the Native Americans are in agreement to such dramatic changes in their lifestyles. This forced assimilation required many Native Indians to unlearn and abandon all of their precious ancestral religions, ceremonies, sacraments, lifestyles and value systems. It further required the Native American Indians to send their young children

away from home to religious based boarding schools at such a far distance from any tribal teachings or influences that forced assimilation was ensured. In these federally paid for religious schools, the children were forced to learn and adopt "Western man's religions" as taught to the children by the religious schools that were funded by the BIA. Children who attempted to practice any of their Indigenous Native American Peoples Cultures, Ceremonies, Sacraments, Value Systems and Choices of Stress Free Lifestyles were severely punished. Today, the BIA is still managed by leadership that is openly opposed to the ancestral Native Indigenous Cultures, Teachings, Values and Religions. In their appointed positions as controllers of the affairs of the BIA, they are autonomous and without any ethical checks or balances, due to the immunity they have as federal officers. The BIA has taken an illegal and unconstitutional social stance against the free practice of our country's native religion due to the fact that it does not incorporate the social norm religious doctrine that most government agencies and citizens are accustomed too. These normally recognized religions carry many constitutionally protected rights, as do the Members of ONAC. However, in a number of court cases related to the denying of the civil rights of ONAC Members, the illegal actions of the BIA have encouraged criminal discrimination by local agencies of church member's and minister's rights to practice their Native Indigenous Cultures, Ceremonies, Sacraments, Teachings, Values and Religions. ONAC churches are not a business but they are a recognized church with all the rights and privileges of any other Church situated in Ohio.

22. STATEMENT OF FACTS:

23. a. Cannabis has a worldwide history of religious use.

24. b. Cannabis, under the names Rosa Maria and Santa Rosa, has been traditionally used in religious ceremonies of Native peoples of North and South America.

25. c. The Oklevueha Native American Church, O.N.A.C of Anyana Kai & and O.N.A.C of Aha Wahupta are valid and recognized places of worship.

26. d. The current federally legislated policy of this country is to protect and preserve Oklevueha Native American Church's rights to freely exercise its traditional ceremonial practices. (42 USC 1996a).

27. e. Claimant's practices involving Sacraments; Peyote, Cannabis, psilocybin mushrooms, Ayahuasca, San Pedro and or any plant, cactus, mushroom produced by the Earth are received in Indigenous American Native traditional religious ceremonies.

28. f. The Oklevueha Native American Church O.N.A.C of Aha Wahupta encourages people to regain their relationship with the Creator through the use of sacrament, prayer and traditional indigenous American Native Ceremonies.

29.g. The Oklevueha Native American Church of Anyana Kai & O.N.A.C of Aha Wahupta sacraments and ceremonies are open to church members only.

30. h. The Oklevueha Native American Church of Anyana Kai & O.N.A.C of Aha Wahupta maintains strict record keeping of its congregation. Being a member of The Oklevueha Native American Church of Anyana Kai & O.N.A.C of Aha Wahupta does not authorize one to distribute sacraments.

31. Compelling Interest

32. Compelling-state-interest-test refers to a method of determining the constitutional validity of a law, all police activities and policies, including the actions of prosecutors, DAs, and Judges of the courts. Under this test, the government's interest is balanced against the individual's constitutional right to be free of oppressive laws. However, a law will be upheld only if the government's interest is strong enough.

33. Applicable Case Law

34.RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF (2000)

35.The land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and land marking laws. RLUIPA prohibits zoning and land marking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. In addition, RLUIPA prohibits zoning and land marking laws that:

36. (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;

37. (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;

39. (3) totally exclude religious assemblies from a jurisdiction; or

40. (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

**United Nations Declaration on the Rights of Indigenous Peoples,
Resolution Adopted and Signed by President Obama (2008)**

41. Article 9

42. Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

43. Article 11

44. 1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

45. 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

46. Article 12

47. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects;

48. Article 2

49. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

50. Article 31

51. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

52. Article 33

53. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions.

54. Article 38

55. States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

56. City of Indianapolis v. Edmund, 121 S. Ct. 447 (2000) "drug laws specifically, do not in and of themselves, demonstrate a compelling interest on the part of government for enforcement."

57. City of Boerne v. Flores, 138 I.Ed.2d 624 (1997)

58. The definition of the sweep of individual right under RFRA are located on (pages 646 thru 649). Scalia writes, "RFRA is not so confined. Sweeping coverage ensures its intrusion at every level of government, displacing laws and prohibiting official actions of almost every description and regardless of subject matter. . . Any law is subject to challenge at any time by any individual who alleges a substantial burden on his or her free exercise." (at page 646). "Requiring a State to demonstrate a compelling interest and show that it has adopted the least restrictive means of achieving that interest is the most demanding test known to constitutional law." (at page 648) The Religious Land Use and Incarcerated Prisoners Act is an extension of the statutory right of free exercise and that the definitions of religious use and substantial burden are defined in these documents and are applicable.

59. Howe v. Brown, 319 F. Supp. 862 (N.D. Ohio 1970)

60. It was held that, the compelling-state-interest-test is mostly applied in all voting rights cases and equal protection cases. It is also applied when a disputed law requires strict scrutiny.

61. a. In this case before the Ohio court we have a religious sanctuary. It is federally recognized, called Oklevueha Native American Church, Oklevueha Native American Church of Anyana Kai & O.N.A.C of Aha Wahupta and honors the indigenous American Native Cultures, Ceremonies and Sacraments of North and South America's spiritual practices. Oklevueha Native American Church and its branches are the only current Native American Church that continues to honor the indigenous Native American practices. In blatant contrast and in serious violation of State and Federal Laws, the US Constitution and our Bill of Rights," the State of Ohio claims that It has the right to enforce their religious prejudice onto the constitutional rights of the Oklevueha Native American Church, O.N.A.C of Anyana Kai's & O.N.A.C of Aha Wahupta congregation. This is equivalent to the police or any agency going into the local Catholic Church and confiscating the sacramental wine (another controlled substance), wafers and holy water. Or going into any other Church and taking their sacramental materials which are sacred property of O.N.A.C of Anyana Kai's & O.N.A.C of Aha Wahupta. This is in direct violation of the FIRST AMENDMENT – FREEDOM OF RELIGION. The illegal and

unconstitutional actions of the agencies of the State of Ohio have clearly committed felony crimes against the Claimant's civil and constitutional rights. (Title 18 U.S.C section code 241 & 242.) These crimes have been committed in a manner where the individuals who have perpetrated the unlawful acts may have wrongfully assumed immunity from civil or criminal prosecution. These crimes also violate the recent unanimous decisions of the US Supreme Court.

62. UDV v. UNITED STATES – Unanimous Ruling,

63. November 1, 2005

64. "The Supreme Court heard oral arguments November 1, 2005, and issued its opinion February 21, 2006, finding that the "Government failed to meet its burden under RFRA that barring the substance served a compelling government interest." "The court also disagreed with the government's central argument that the uniform application of the "Controlled Substances Act (CSA) does not allow for exceptions for the substance in this case, as Native Americans are given exceptions to use Peyote, another Schedule I substance." Additionally, the crimes of the officials of the State of Ohio have willfully and criminally violated the federally mandated unanimous court ruling requiring a compelling government interest test. UNITED STATES V. ROBERT BOYLL, Unanimous Ruling – May 10, 1990, "Nowhere is it even suggested that the exemption applies only to Indian members of the Native American Church. Had the intention been to exclude non-Indian members, as the United States argues, the language of the exemption would have so clearly provided. Indeed, the federal peyote exemption makes no reference whatsoever to a racial exclusion" "The District Court, Burciaga, Chief Judge, held that:

65.1. Permitting Indians' non-drug use of peyote in bona fide religious ceremonies of Native American church, but prohibiting such use by non-Indians, would violate free exercise and equal protection clauses;

66.2. Compelling interest test applied to free exercise challenge to prosecution of non-Indian member, and

67.3. Prosecution would violate free exercise clause. Motions granted."

68.4. There are numerous cases upholding the Constitutional and Civil Rights of ONAC to have cannabis, peyote, and other plants, herbs and fungi that are from the Mother Earth and are Sacramental to ONAC and its members. The illegal seizures of private property and forfeiture of the assets and sacraments of this Church are felonious actions of the uninformed officers or agents and their supervisors; accountability for criminal abuses of power, obstruction of justice and all violations of both Constitutional, Civil and

Private Property Rights of the Church must be remedied, to ONAC, its members and leaders.

69. (5) A conspiracy has been uncovered against ONAC leadership and the church. This is a violation of their rights under the FIRST AMENDMENT – FREEDOM OF RELIGION. The conspiracy involves different governmental agencies at varying levels of government. The facts that this conspiracy is real are as follows: The urge to create the church known as ONAC was due to the Native American Church of North America (NACNA) prejudicial racial discriminating policies, in which James Mooney was a member and Vice President of the Salt Lake City Branch. NACNA racial and discriminating policies are demanded and enforced by its legal representative the Native American Rights Fund (NARF) (See Exhibit E) that was created in 1973 and influenced by political and Christian religious organizations backing the BIA conspiracy. Their aim was to keep Native American Churches off of Federally Recognized Indian Tribal Reservations and from receiving their full rights, privileges and protections that are clearly outlined in the Bill of Rights. Presently the United States Attorney General and its affiliate agencies seek out the BIA and NARF for advice on what is or not a bona fide Native American Church. In my opinion, obvious political factors are at play. Efforts to deprive Oklevueha Native American Church of its civil liberties has been experienced throughout our nation from Hawaii to the East Coast of the United States, since its inception.

**70. FIRST CLAIM FOR INJUNCTIVE RELIEF
AGAINST ALL RESPONDENTS**

71. a. Claimant alleges each and every allegation contained in ¶¶ 1 – 11.

72. b. Claimant requires an injunction prohibiting any entry onto all church property without a valid search warrant, which meets the minimum requirements of a government compelling interest test and this court has affixed an actual, readable signature of a fully and properly seated judge. Additionally, if the police, or any inspectors claim that they found something that is in violation of any law that said inspectors or law enforcement officers be required to present said evidence to this court n open hearing so that Claimant can lawfully rebut said claims and to be able to assert their FIRST AMENDMENT RIGHTS OF FREEDOM OF RELIGION. That the officers and inspectors not be allowed to destroy anything on the property without obtaining this court's approval.

73. WHEREFORE, Claimant requires a judgment as follows:

74. An injunction prohibiting any entry onto any property of ONAC without a valid search warrant issued by this court. Additionally, if the police, or any inspector claims that they found something that is in violation of any law that said inspectors or law enforcement officers be required to present said evidence to this court in open hearing so that Claimant can respond to said claims and to be able to assert their FIRST AMENDMENT RIGHTS OF FREEDOM OF RELIGION. That the officers and inspectors not be allowed to destroy, sell or distribute anything of the property (sacrament) seized without obtaining this court's approval. Additionally, that officers and inspectors be forced by a court order to provide proof of safe-keeping, as well as an auditable inventory of all assets, equipment, plants, files, or other evidences seized during the raid. That officers and inspectors be held financially responsible for any damages upon seized Church properties while in their custody or possession. 42 U.S.C. § 1983

75. WHEREFORE, Claimant prays for and requires judgment as follows:

76. 1. An injunction prohibiting any entry onto any property of ONAC without a valid search warrant issued by this court with actual, readable wet ink signatures=autographs. Additionally, if the police or any inspector claims that they found something that is in violation of any law that said inspectors or law enforcement officers be required to present said evidence to this court in open hearing so that claimants can respond to said claims and to be able to assert their FIRST AMENDMENT RIGHTS OF FREEDOM OF RELIGION. That the officers and inspectors not be allowed to destroy, sell or distribute anything of the property (sacrament) seized without obtaining this court's approval. Additionally, that officers and inspectors be required by a court order to provide proof of safe-keeping, as well as an auditable inventory of all assets, equipment, plants, files, or other evidences seized during the raid. That officers and inspectors be held financially responsible for any damages upon seized Church properties while in their custody or possession. 42 U.S.C. §1983 For an injunction prohibiting any further prosecution from The Toledo Police Department and all other agency's toward agent for charmaine rose bassett, all its church members and use of our earth based sacraments and ceremony's, be halted until the conclusion of this case. Claimant moves this court to issue a temporary restraining order.

77. 2. Such other relief as the court deems proper.

78. DATED: This 8th day of September in the year of our Lord 2016

79. Respectfully Submitted,

CHARMAINE ROSE BASSETT
by: charmaine rose bassett (agent)

CHARMAINE ROSE BASSETT-TRIMM, Medicine Woman, Spiritual Adviser, President & CEO of ONACAK & ONACAW, NMD, DM

Oklevueha Native American Church of Anyana-Kai Oklevueha Native American Church of Aha Wahupta

Commander of Ohio for the Order of the Hospitaller of St. Lazarus of Jerusalem

3344 Secor Rd.

Toledo, OH 43606

419-720-2972 (ext 1)

anyanakai@gmail.com

anyanakaiuniversity.com

<http://saintlazarus.ning.com/profile/Charmaine>